

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY HARP,

Plaintiff,

CASE NO. 19-13789

v.

VICTORIA HALLETT, et al.,

DISTRICT JUDGE JUDITH E. LEVY
MAGISTRATE JUDGE PATRICIA T. MORRIS

Defendants.

ORDER REQUIRING IDENTIFICATION OF JOHN DOE DEFENDANT(S)

Plaintiff filed a Complaint on December 26, 2019 against several unnamed transportation officers. Plaintiff's claims require the identity of any John or Jane Doe Defendants for service of process purposes. Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

If Plaintiff does not identify the Doe defendants so that they may be served by the U.S. Marshal Service within this 90 day period, the Court will recommend that the unnamed Defendants be dismissed for failure to serve the Doe defendants within the 90 days provided for in Rule 4(m). *See Cross v. Carmona*, 15-cv-14254, 2018 WL 1535393, at *4 (E.D. Mich. March 29, 2018); *Ward v. Corizon Health, Inc.*, 15-cv-11902, 2016 WL

4224973, at *8 (E.D. Mich. July 12, 2016); *Cary v. Mox*, 17-cv-12862, 2018 WL 4402939, *10 (E.D. Mich. Aug. 14, 2018).

Since more than 90 days has elapsed since the filing of the Complaint, the Court could recommend dismissal of the unnamed Defendants at this stage. However, since the Court is sympathetic with the difficulty Plaintiffs sometimes face in seeking to identify the Doe Defendants, the Court will give Plaintiff more time to do so. Plaintiff must identify the John Doe Defendants so they may be served by the U.S. Marshal Service by September 9, 2022, or the Court will file a Report and Recommendation (“R&R”) recommending that the Doe Defendants be dismissed.

Accordingly, Plaintiff is hereby **ORDERED** to identify the John Doe Defendants by **September 9, 2022**, or an R&R will be entered recommending that the Doe Defendants be dismissed.

IT IS SO ORDERED.

Date: August 8, 2022

S/ PATRICIA T. MORRIS
Patricia T. Morris
United States Magistrate Judge